

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

RECEIVED
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

**Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.**

Hazelton, North Dakota

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)
)

MM Docket No. _____
RM- _____

To: Chief, Allocations Branch, Mass Media Bureau

PETITION FOR RULE MAKING

High Plains Broadcasting, Inc. ("HPBI"), by its attorneys and pursuant to Section 1.401 of the Commission's Rules, respectfully requests that the Commission institute a rule making proceeding to allot Channel 280C to Hazelton, North Dakota.

As set forth in the attached Technical Exhibit, which is incorporated by reference herein, this proposal will serve the public interest. The allotment of Channel 280C to Hazelton, North Dakota, will provide that community with its first local aural transmission service. Hazelton is a census designated city of 240 persons, see 1990 *Census of Population and Housing, North Dakota* at 18 (1993), and is located 32 miles southeast of Bismarck. The community, which elects its own City Commission and has its own zip code and post office (58544), also is the site of the Hazelton-Moffitt-Braddock Public School and maintains the Hazelton Fire Department, which serves Hazelton as well as nearby areas. Commercially, Hazelton has a number of business enterprises, including Hazelton Bank, Mallard Elevator Construction, Inc., at least two repair shops, a restaurant, a beauty salon, a welding shop, a grocery store and two service stations. Three religious denominations, including St. Paul's Lutheran Church, maintain buildings and services in Hazelton. In addition, Hazelton has a number of

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social outlets, including its own community center and senior citizens center, and social organizations, such as the Hazelton Lions Club and American Legion Post #126.

Under Commission precedent, the presence of these civic, business, religious and social organizations and services confirm that Hazelton is a community deserving of its own aural transmission service. *See, e.g., Report and Order (Hannahs Mill, Milledgeville and Perry, Georgia)*, 6 FCC Rcd 3753 at ¶ 9 (1991). That the local phone book has a section entitled Hazelton confirms this result. See attached.

The above proposal would enable Hazelton to obtain its own FM broadcast service and would provide a means of entertainment and information for its residents. If the above proposal is approved, it is HPBI's intention to apply for the above allotment promptly and, once granted, to implement construction as quickly as possible. Accordingly, it is respectfully requested that the Commission issue a Notice of Proposed Rule Making as herein requested and thereafter adopt such a proposal.

Respectfully submitted,

**HIGH PLAINS
BROADCASTING, INC.**

By: 
F. William LeBeau

HOGAN & HARTSON L.L.P.
555 Thirteenth Street, N.W.
Washington, DC 20004-1109
(202) 637-5706

Its Attorneys

November 19, 1998

June 1998/99

Bismarck • Mandan • Dickinson

And Surrounding Badlands Area Directory

It's Simple!

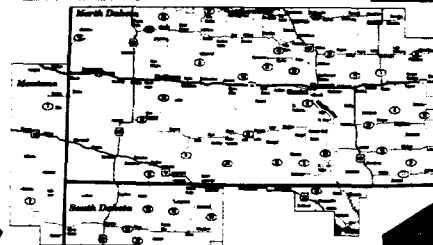
Finally, Local Service and
Long Distance from
one company
see page 2

Almont
Amond
Apple Valley
Arena
Ashley
Baker, MT
Baldwin
Beach
Belfield
Bentley
Beulah
Big Bend
Bismarck
Bison, SD
Bowdon
Bowman
Braddock
Breien
Bucyrus
Buffalo, SD
Bullhead, SD
Burnstad
Burt
Camp Crook, SD
Cannon Ball
Capitol, MT
Cariyle, MT
Carson
Center
Chaseley
Coleharbor
Crystal Springs
Dawson
Denhoff
Dickinson
Dodge
Driscoll
Dunn Center
Ekalaka, MT
Elgin
Fairfield
Falkirk
Flasher
Fort Clark
Fort Rice
Fort Yates
Fryburg
Gascoyne
Gladstone
Glen Ullin
Golden Valley
Golva
Goodrich
Grassy Butte
Hague

Halliday
Hannover
Haynes
Hazelton
Hazen
Hebron
Heil
Hensler
Hettinger
Hodges, MT
Huff
Hull
Hurdsfield
Judson
Kenel, SD
Killdeer
Kintyre
Ladd
Ladner, SD
Lake Isabel
Lake Williams
Lark
Lefor
Lehr
Leith
Lemmon, SD
Lincoln
Linton
Lodgepole, SD
Ludlow, SD
Mahto, SD
Mandan
Manning
Marmarth
Marshall
McClusky
McIntosh, SD
McKenzie
McLaughlin, SD
Meadow, SD
Medina
Medora
Menoken
Mercer
Mill Iron, MT
Mobridge, SD
Moffit
Morristown, SD
Mott
Napoleon
New England
New Hradec
New Leipzig
New Salem
North Lemmon

Northwood Estates
Ollie, MT
Pettibone
Pick City
Plevna, MT
Pollock, SD
Prairie City, SD
Price
Raleigh
Ralph, SD
Reeder
Regan
Regent
Reva, SD
Rhame
Richardton
Riverdale
Robinson
Saint Anthony
Scranton
Selfridge
Sentinel Butte
Shadehill, SD
Shields
Solen
Sorum, SD
South Heart
Stanton
Steele
Sterling
Strasburg
Streeter
Tappen
Taylor
Temvik
Trotters
Turtle Lake
Tuttle
Twin Butte
Twin Buttes
Underwood
Wakpala, SD
Washburn
Webster, MT
Westfield
White Butte, SD
Wibaux, MT
Willard, MT
Wilton
Wing
Wishak
Woodworth
Zap
Zeeland

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542 SELLE—GARNAAS

SELLE Hjalmer Rt 2 Box 23	938-4542
SELLE Implement 1101 S1 NE	938-4550
Fax Line	938-4591
SELLE Lloyd 1111 S1 NW	938-4414
Lynn J & Yoko RR 2 Box 23A	938-4597
SIVENSID C J 112 W Main St	938-4289
SMITH Robert W Rt 2 Box 18	938-4274
Russ & Carolyn 253 1 Av SW	938-4672
Warren C Rt 2 Box 18A	938-4207
SORENSEN Daryl P 211 2 Av NW	938-4615
Donald & Jacqueline 223 1 Av SW	938-4432
SPOTTED Bear Lennie RR 1 Box 92	938-4694
STARR Melissa	938-4421
Melissa RR 1 Box 100B	938-4266
Milton RR 1 Box 81	938-4752
STEFFEN Lawrence	938-4538
Louis & Marie 150 3 Av E	938-4684
STEIN J R (Rodney) RR 1 Box 36	938-4546
STERN Gary A & Sandra RR 1 Box 120	938-4463
STEVENS Norman (Pete) 275 1/2 4 Av SE	938-4348
STONE Darcy RR 1 Box 106 Twin Buttes	938-4739
H B RR 1 Box 95	938-4412
John Jr & Connie RR 1 Box 95	938-4365
Miriam RR 1 Box 84	938-4224
STRAND Arthur 370 90 Av SW	938-4299
SUNRISE Oil Inc	938-4663
SWENSON Alton & Hulda 214 1 St S	938-4573
SWENSON David A HC 2 Box 9	938-4521
Mobile Phone	938-4006
After Beep Dial 0924	

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SWENSON Robert Rt 1 Box 35	938-4452
T	
TEMANSON Lorraine	938-4530
THE Cowboy Card & Company Marshall	938-4264
TOMLIN Donald & Diana RR 1 Box 77	938-4214
TRANSTROM Donald RR 2 Box 37	938-4201
Edna 111 1 St SE	938-4447
TRIBAL Business Council District Office Twin Buttes	938-4403
Fax	938-4340
TSCHAKOFFSKIE Herbert & Maries 214 1 St NE	938-4233
TWIN Buttes Manufacturing Company	
7945 7 St NW	938-3100
TWIN Buttes Manufacturing Co - Fax 7945 7 St NW	938-3101
TWIN Buttes School Twin Buttes	938-4396
Fax Line	938-4397
Fax Line	938-4398
U	
UNION Bank The 13 E Main St	938-4311
Fax Line - Halliday	938-4313
Dunn Center	548-8211
UNION Insurance Agency	938-4311
UNITED STATES GOVERNMENT	
See Blue Government Section Page 101	

UPPER Missouri G & T Electric Coop

V	
VAAGEN Vance	
VALLEJO Amelia 211 1 St NE	
VIGL Geraldine RR 1 Box 101	
VONGT Ervin & Ann	
W	
WALTH Darlene 245 Central Av S	
David 39 Central Av S	
WASEM Timothy L RR 2 Box 41	
WEDNER Albert & Arlene 223 1 St NW	
Alvin L RR 1 Box 42	
Donald RR 1 Box 40	
Fred 267 4 Av E	
Herbert 126 1 St S	
WEISZ Kenneth RR 1 Box 46A	
Larry RT 1 Box 48	
Victor H 130 1 St NW	
WERNER Arnold 300 3 Av SE	
WEST River Wholesale	
WILHELM Lillian 42 1 Av NE	
Vic	
WITTMAYER Nicole Marie 322 Central Av	
WOLF Clarence 270 3 St SW	
Frieda	
WOODWORTH Brant J	
WOODWORTH Honey & Bee Co	

HAYNES See HETTINGER

HAZELTON

Including TEMVICK

AREA CODE 701

ZIP CODES: HAZELTON 58544 - TEMVICK 58552

A

ACKERMAN Theophil farm 1175 77 St SE Linton 782-4251

AMBULANCE

911

AMBULANCE	254-4411
Non-Emergency	782-6878
AMERICAN Airlines Inc	
Passenger Reservations & Information	
Toll Free Dial 1 & Then	800 433-7300
AMUNDSON Arthur N farm 1185 70 St SE Linton	782-4177
AMUNDSON Gale & Angela 750 Temvik Rd Temvik	782-4301
APPERT Harmon 65 St SE	782-4254
Jerry & Renee 705 Township Rd E	782-6250
APPERT Joseph C farm	782-4254
APPERT Mike & Linda farm 755 Hwy 34	782-6269

B

BEK Communications	
Business Office 200 Bday E Steele	
Toll Free Dial 1 & Then	888 475-2361
To Report Trouble	
Toll Free Dial 1 & Then	888 867-2316
DirectTV	
Toll Free Dial 1 & Then	800 867-2322
BEK Communications Cooperative	
200 E Broadway Steele	475-2361
BAKER Dwight farm 660 66 St SE	782-6810
BAKER Ervin W farm 509 Hazel Av	782-6896
BAKER Neil W farm 6765 15 Av SE	782-4183
BAKER Ralph 151 Main St	782-4339
BALLIET Ernest 154 Center St	782-4264
BANK Of Hazelton 363 Main St	782-6295
BAUMGARTNER David farm 1085 58 St SE	782-4358
BAUMILLER Arnold J farm 910 67 St SE	782-6213
BAUMILLER Scott & Corinne 510 Hazel Av	782-6800
BEASTROM Dave farm 955 Hwy 34	782-6268
BEASTROM Loren 1160 67 St SE	782-6281

BEASTROM Oil Co	782-6228
BEASTROM Oil & Implement Co 448 Main St	782-6227
BECK Emory W farm 90 72 St SE Linton	782-4377
BECK John R & Shannon farm 7465 11 Av SE Linton	782-4238
BECK Lesley farm 1115 75 St SE Linton	782-4262
BETTELSPACHER Farm 340 72 St SE Linton	782-4228
BEIDER Greg & Holly 715 Hwy 34	782-6837
BENDER Kenneth G farm 6655 8 Av SE	782-4175
BENEDICT Earl L farm 1560 71 St SE Linton	782-4194
BENEDICT Paul farm 6790 10 Av SE	782-4315
BERGER Math 507 Hazel Av	782-4381
BERGINSKI Ruth 6447 Hwy 83	782-6832
BERNHARDT Kevin farm 1860 73 St SE Linton	782-4213
BERNHARDT Tom farm 1855 72 St SE Linton	782-4267
BESKA Robert farm 220 72 St SE Linton	782-4382
BIRKOWSKI Fred & Beth farm 790 74 St SE Linton	782-4285
BIRDSALL Gerald & Ramona 790 Temvik Rd Linton	782-6279
BOECHLER Clement A & Cheryl 600 Hazel Av	782-6288
BOLLINGER A R 768 Temvik Rd SE Linton	782-4304
BONOGOSKY Leo farm 5935 Hwy 83 SE	782-4167
BONEMANN Robert & Dawn 784 Temvik Rd Linton	782-6804
BOSCH Alfred A & Karen farm 630 72 St SE Linton	782-4252
BRIDLE Charles 455 57 St SE	782-4130
Charles 697 62 St SE	782-4156
BRIDLE I E farm 6730 Hwy 83	782-6853
BRIDLE Monte & Sara 6395 7 Av SE	782-4348
Vernon C 7111 Clairmont Av	782-6274
BRIDLE William farm 6665 6 Av SE	782-6215
BROWN Shannon	782-6239
BUCK Bernard C farm 6990 13 Av SE Linton	782-4171
BUCK Fern E 620 67 St SE	782-6218

C

CARROLL Patrick farm	782-4306
CENEX 675 Hwy 34	782-6222
CLEVELAND Mark farm	782-6289
CORBIN Archie farm 490 67 St SW	782-6839
CUNNINGHAM Robert G farm Braddock	782-4350

D

D B S 240 58 St SW	782-6871
DAHL Kelly & Michelle farm	782-6813

DAILY Council Of The Upper Midwest	
602 Clairmont Av	
DAUGHERTY Doris D farm	
DAVIS Don 333 Hazel Av	
DEIS Dean & Ardelle farm 630 73 St SE Linton	
DEIS Rich & Sheen farm 7215 Hwy 83 Linton	
DENNY'S Repair 579 Harold St	
DOLL Leonard farm 1485 73 St SE Linton	
DON'S Body Shop 6440 Hwy 83	
DOOLITTLE Bruce farm 1245 68 St SE	
DRAEGER Richard farm 6985 Hwy 83 Linton	

E

EMMONS COUNTY OF

See Blue Government Section Page 101

ENTZ Jamie & Kristi 608 Western Av	
ERHARDT Gabriel 401 Hazel Av	
ERICKSON Donald & Susan farm 6795 2 Av SW	

F

FARMER'S Union Oil Company 675 Hwy 34	
Fax Line	

FIRE

FIRE	
Non-Emergency	
FISCHER Adeline & Harry farm	
7165 14 Av SE Linton	
FISHER Art farm 350 62 St SE	
FLEGEL Arlo & Patty 601 Western Av	
Manard M 610 Hazel Av	
FOELL Quinton 509 Hazel Av	
FRANSEN Ellen 411 Shobert Av	
FRANSEN Jan farm 6490 14 Av SE	

G

GARNAAS Ranch 1555 76 St SE Linton	
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GARDEN Mary 454 Center Dr	782
Gardner 147 Main St	782
Gardner 260 Cottage St	782
Gardner 250 Center Dr	782
Gardner 701 Clairmont Av	
GOVERNMENT	
Blue Government Section Page 101	
Gardner farm 965 57 St SE	781
Gardner House Antiques	781
Gardner 509 Hazel Av	781
Gardner 111 Western Av	781
Gardner 111 Hill St	781
Gardner 111 Western Av	781
Gardner farm 6265 Hwy 83	781
Gardner farm 7145 5 Av SW Linton	781
Gardner & George	781
Gardner 465 63 St SW	781
Gardner farm 255 63 St SW	781
Gardner & Lynda farm 140 65 St SE	781
Gardner & Lynda farm 1360 58 St SE Braddock	781
Gardner & Missy farm 7875 21 Av SE Linton	781
Gardner & Mrs 411 Western Av	781
Gardner Kenneth & Short farm	781
Gardner 70 St SE Linton	781
Gardner Luella farm 255 71 St SE Linton	781
Gardner Richard farm 257 71 St SE Linton	781
H	
Haley 6445 Hwy 83	
Haley & Beverly	
Haley Alton M 517 Harold St	
Haley Bank 363 Main St	
HAZELTON CITY OF	
Blue Government Section Page 101	
HAZELTON Community Center	
HAZELTON Farmers Union Oil Co 675 Hwy 34	
HAZELTON Fire Dept	
HAZELTON Insurance Agency Inc 363 Main St	
HAZELTON-MOFFITT-BRADDOCK	
HAZELTON School	
HAZELTON Hazel Av Hazelton	
Fax Line	
High School Supt's Ofc	
HAZELTON Hazel Av Hazelton	
Fax Line	
HAZELTON Senior Citizens Center 351 Main St	
HAZELTON 713 Shobert Av	
HAZELTON Beatrice 602 Clairmont Av	
HAZELTON & Cher 602 Clairmont Av	
HAZELTON Fred farm 7140 1 Av SE Linton	
HAZELTON Super Valu 445 Main St	
HAZELTON Lucas Jr 111 Western St	
HAZELTON Lucas farm 5695 1 Av SE Moffit	
HAZELTON Lucas farm 560 72 St SE Linton	
HAZELTON Madison farm 445 73 St SE Linton	
HAZELTON James A 707 Township Rd E	
HAZELTON Clarence farm 6715 2 Av SE	
HAZELTON Fred & Larry	
HAZELTON Fred & Larry farm 7065 13 Av SE Linton	
HAZELTON Raymond L farm 1225 69 St SE Linton	
HAZELTON Terry Lee 7470 6 Av SE Linton	
HAZELTON Credit Union 341 Main St	
HAZELTON Andy farm 2345 76 St SE Kintyre	
HAZELTON Herman farm 475 67 St SW	
HAZELTON George Jr farm 6275 7 Av SE	
HAZELTON Valentine farm 7470 22 Av SE Kintyre	
HAZELTON Byron 408 Hazel Av	
HAZELTON Elizabeth 505 Cottage St	
HAZELTON Emil farm 6454 11 Av SE	
HAZELTON Henry 713 Western Av	
HAZELTON Jeff & Yvette farm 442 66 St SE	
HAZELTON Keith farm 7155 16 Av SE Linton	
HAZELTON Kyle farm 1175 Hwy 34	
HAZELTON Pat & Kimberly farm 330 66 St SW	
HAZELTON Philip farm 6450 11 Av SE	
HAZELTON Raymond farm 440 66 St SE	
HAZELTON Ronald farm 1450 Hwy 34	
HAZELTON Ruben 6275 Hwy 1804	
HAZELTON Adeline farm 6465 7 Av SE	
HAZELTON James M farm 30 63 St SE	
J	
Janch Inc 7145 5 Av SW Linton	
Janch Rodney & Donetta farm	
Janch 2275 21 Av SE Kintyre	
Janch Bertha	
Janch Kenneth 130 Main St W	
Janch Myron & Rita farm 6450 12 Av SE	
Janch Adam 227 Hill St	
Janch Ebon A farm 334 Kellas St	
Janch Melvin F 236 Kellas St	

TECHNICAL EXHIBIT
IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
HAZELTON, NORTH DAKOTA

Technical Narrative

This technical narrative and associated exhibits have been prepared in support of a Petition for Rule Making to amend Section 73.202(b) by the allotment of channel 280C (103.9 MHz) to Hazelton, North Dakota.

Proposed Change in Table of Allotments

It is requested that Section 73.202(b) be amended by the allotment of channel 280C to Hazelton, North Dakota. Hazelton is located in Emmons County, North Dakota and has a 1990 U.S. Census population of 240 persons. Hazelton has no local FM stations and no local AM stations. Therefore, Petitioner's proposal would be a first local FM broadcast service and first local aural broadcast service to Hazelton. The proposed changes are as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Hazelton, North Dakota	--	280C

The proposed channel 280C reference point is located 267 km from the nearest point of the U.S.-Canadian border; therefore, coordination with Canada may be necessary.

Compliance With FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 280C at Hazelton. As shown, the reference coordinates comply with the Commission's minimum distance separation requirements contained in Section 73.207 with respect to all existing, authorized and proposed stations and allotments.

Figure 2 is a map showing the area to locate channel 280C at Hazelton in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on minimum Class C facilities (ERP 100 kW/HAAT 300 m). The Hazelton city limits shown on Figure 2 were obtained from a map contained in the 1990 U.S. Census of Population.

Conclusion

Channel 280C can be allotted to Hazelton, North Dakota in compliance with all applicable Commission Rules.


W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.
240 North Washington Blvd.
Suite 700
Sarasota, Florida 34236

November 9, 1998

Figure 1

TECHNICAL EXHIBIT
IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
HAZELTON, NORTH DAKOTA

FM SEPARATION STUDY

Job Title :Proposed Hazelton, ND

Separation Buffer 50 km

FCC DB Date : 11/07/98

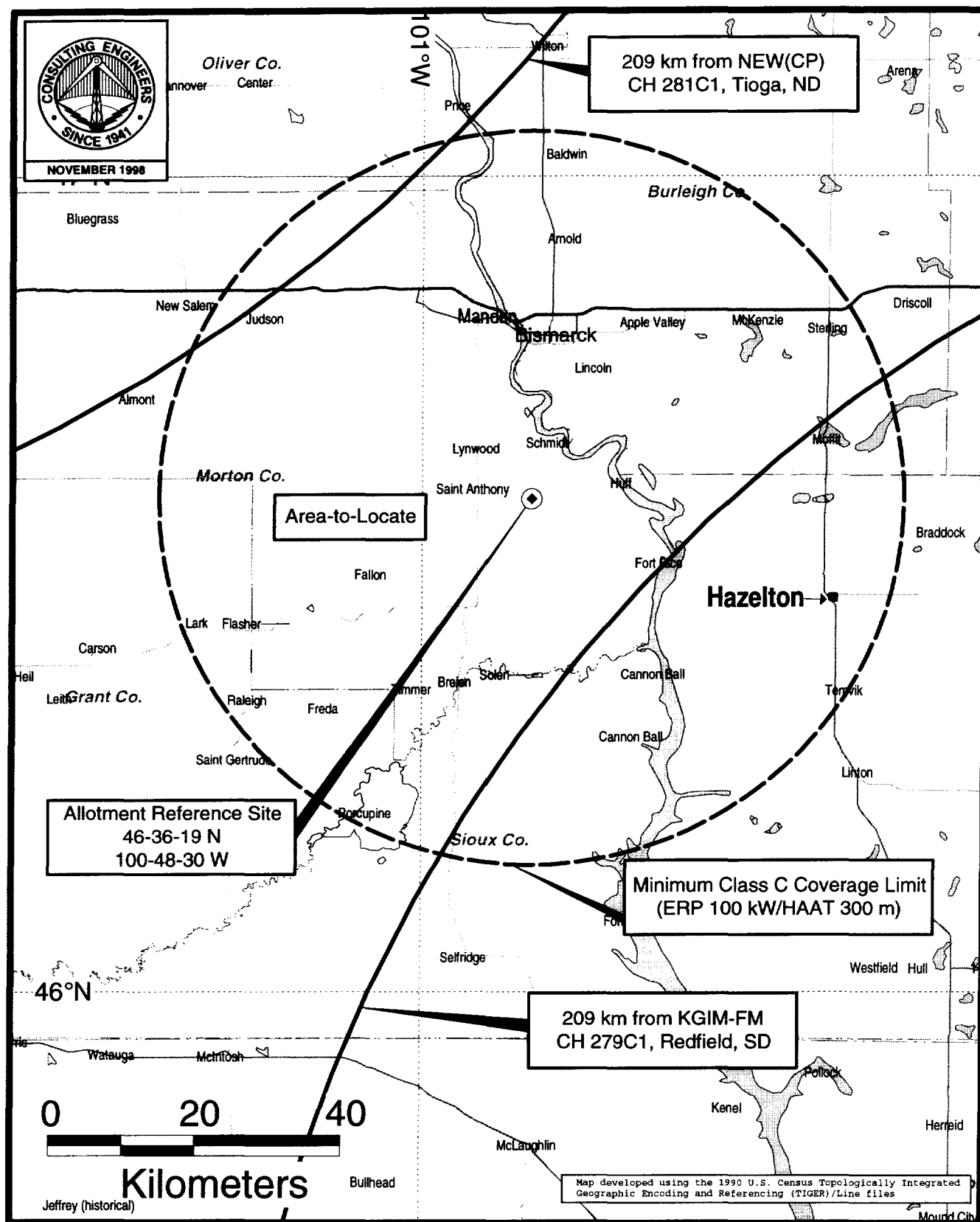
Channel 280C (103.9 MHz)

Coordinates : 46-36-19 100-48-30

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KZZY	Devils Lake		278C1	100.	47-58-49	40.2	202.48	105
CP	ND	BPH980417IF	103.5	138.0	99-03-11		97.48	CLEAR
KGIMFM	Redfield		279C1	100.	45-12-30	132.5	227.12	209
LIC	SD	BLH970926KA	103.7	169.0	98-40-20		18.12	CLEAR
One-Step Application From Channel 279C3-Amended 961122								
NEW	Tioga		281C1	100.	48-20-26	320.3	253.94	209
CP	ND	BPH961115MD	104.1	180.0	102-59-55		44.94	CLEAR
One-step application (from vacant Channel 280A)								
Proposed as Class C1 to Canada 970623-Accepted by Canada 971120								

** End of separation study for channel 280C **

Figure 2



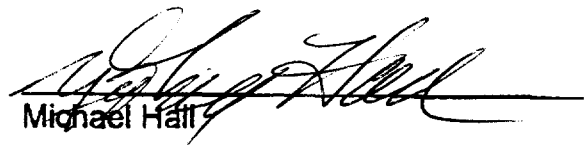
AREA-TO-LOCATE
CHANNEL 280C
HAZELTON, NORTH DAKOTA
du Treil, Lundin & Rackley, Inc., Sarasota, Florida

DECLARATION OF MICHAEL HALL

I, Michael Hall, declare as follows:

1. I am President of High Plains Broadcasting, Inc. ("HPBI").
2. HPBI intends to apply for a construction permit for the channel requested in the attached Petition upon adoption of the proposed rule making.
3. If awarded the construction permit, HPBI will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.


Michael Hall

Executed this 18th day of November, 1998.